

**Notice of Allowability**

Application No.

10/663,957

Applicant(s)

DENKER ET AL.

Examiner

Carl H. Layno  
3/2/05

Art Unit

3762

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Paper No. 09162003.
2. ☒ The allowed claim(s) is/are 1-29.
3. ☒ The drawings filed on 16 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9/16/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. Acknowledgment is made of applicant's Information Disclosure Statement (PTO-1449) which was received by the Office on September 16, 2003.

### ***Drawings***

2. Applicant's formal drawings were received by the Office on September 16, 2003 and have been approved by the Examiner.

### ***Allowable Subject Matter***

3. Claims 1-29 are allowed.

### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

Independent claims 1 and 26 recite details of an antenna assembly used for communicating with an implanted medical device. The antenna assembly comprises three antennas having a "planar" structural arrangement. Although the references of Goedeke '312, Weijand '271, and Blair et al '818 (cited herein) all describe planar antenna arrangements used in communicating with implanted stimulation devices, only the Goedeke '312 utilizes three antennas. Goedeke's antennas are, however, not planar. Unable to find any other reference(s) in

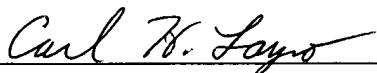
Art Unit: 3762

the prior art which show or teach all of applicant's claimed elements, the Examiner deems independent claims 1 and 26, and their depending claims, to be allowable.

Independent claim 13 also describes an apparatus for transmitting radio frequency signals to an implantable medical device by using three antennas. The first and second antennas are specified as having four orthogonally located coil sections. Although the Goedeke '312 patent shows the use of a first and second antenna having four coil sections in the manner claimed (Fig.4), this reference fails to specify the use of a third antenna having a "conductive loop a[nd] gap". The Goedeke '312 patent merely shows that three antennas **12,13,14** (Fig. 1A and 2) are used. In view of this shortcoming and similar shortcomings in the prior art, the Examiner deems independent claim 13 and its depending claims to be allowable over the prior art of record.

The Examiner would like to cite the Cox et al '588 and Bulkes et al '953 (Applicant's prior art) patents for their pertinent teaching of wireless implantable medical devices. Unlike applicant's claimed apparatus, no structure is specified regarding the antenna assemblies of the attendant communications devices (i.e. neither device utilizes three antennas).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."



CARL LAYNO  
PRIMARY EXAMINER

CHL  
3/2/2005